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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/620,010

07/15/2003

Eric Thompson

TH04US

8604

7590

12/28/2006

J. Michael Neary
53939 Pine Grove Road
LaPine, OR 97739

EXAMINER

MARSH, STEVEN M

ART UNIT

PAPER NUMBER

3632

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/28/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/620,010

Applicant(s)

THOMPSON, ERIC

Examiner

Steven M. Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 12 and 14-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 12 and 14-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the fourth office action for U.S. Application 10/620,010 for a Toolless Locking Mount filed by Eric Thompson on July 15, 2003. Claims 9-11 and 13 have been canceled. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

Claims 1, 2, 4-8, 12, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterka in view of Ruiz. Peterka discloses corner supports for an object with a base (14). The base has an upper surface (that holds 15) and a bottom surface (21), and a sideways face for engaging an outside corner of the object. The base also has an angled recess (20a) on upright surfaces, facing a space for the object, defined by two intersecting vertical planes for engaging corners of the object to prevent lateral movement of the object. There is also a top (18) mounted to the base by a fastener (16) received in a hole (15) extending through the support, for securing an object to a surface. Peterka also discloses at least one fastener hole (see figure 8) for receiving a fastener by which the base can be attached to the other surface with the bottom surface engaged with an upper surface of the other surface.

Peterka does not disclose the top as being pivotally mounted to the base. Ruiz discloses a mounting mechanism with a base. There is a top (5) pivotally mounted on the base to rotate over the base and lie on a plane orthogonal to the surfaces to engage

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the upper surface of the object. The top locks into an open position over the face where it swings clear of an angled recess and a closed position over the face where it swings over the recess, and the inwardly opened angled portion has inwardly facing surfaces.

The base could be of a lower profile than the object and the top is secured to the base against separation therefrom, whereby the top remains connected to the base in normal operation. There is also a clamping mechanism (9) to establish firm contact between the base and object whereby the pressure of the mechanism is adjusted by tightening a clamping device (tightening the spring results in greater pressure).

It would have been obvious to one of ordinary skill in the art at the time of the present invention to have replaced the top on the base taught by Peterka, with a pivotal top such as that taught by Ruiz, for the purpose of facilitating the removal and insertion of an object held by the support. It also would have been obvious to one of ordinary skill in the art at the time of the present invention to have utilized four mounts, rather than three, as a matter of design preference, dependent on the shape of the object to be supported. Ruiz discloses that the glass held by the supports may be circular, but the particular shape is a matter of design preference and it would be obvious to one of ordinary skill in the art at the time of the present invention to have utilized a square or rectangular piece of glass.

Peterka in view of Ruiz discloses the method of securing an article to a supporting surface by inserting the article into the space between the mounts, which are attached to a supporting surface. The upstanding bases have angled recesses and the article is inserted between the mounts, rotating the top cap on each mount from an open

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position to a closed position over the article, to capture the article between the top cap and the supporting surface to prevent vertical movement of the article away from the supporting surface. To remove the article the top cap is rotated from the closed position to an open position to clear the angled portion and allow lifting of the article. A spring is compressed when pivoting the top cap to allow the cap to rotate to the open position to allow the article to be lifted out for quick removal. Ruiz discloses the use of three mounts, rather than four, but discloses that a plurality can be used. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have utilized four mounts, rather than three, as a matter of design preference, dependent on the shape of the object to be supported.

Claims 3 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterka in view of Ruiz, and in further view of Stiicheli. Peterka in view of Ruiz does not disclose a detent for releasably holding the top cap in an open or closed position. Stiicheli discloses a joint with a support portion (20) and a top portion that rotates with respect to the support portion. The top portion has detent means (26 and 27) for engaging recesses of the support portion to lock the top portion into place. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a detent means in the top portion taught by Peterka in view of Ruiz, and an aperture in the support (or mounting) portion, as taught by Stiicheli, for the purpose of providing a means for locking the top into a closed position.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterka in view of Ruiz, in view of U.S. Patent 5,438,868 to Holden et al. Peterka in view of

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Ruiz does not disclose polyurethane on the inward surfaces to improve the grip on the article. Holden et al. discloses an inwardly facing recess with polyurethane grips (248) on opposing arms for gripping an article. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided polyurethane grips on the surfaces taught by Peterka in view of Ruiz, as taught by Holden et al., for the purpose of improving the grip of the surfaces on the article.

Response to Arguments

Applicant's arguments with respect to claims 1-8, 12, and 14-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone

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number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

SM

Steven Marsh

December 21, 2006


ANITA KING
PRIMARY EXAMINER